

Exhibit 9



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

August 5, 2013

RE: NOTICE OF VIOLATION
JULY 13, 2013, ASH RELEASE HPV:GC9
FACILITY ID:0215020233

CERTIFIED MAIL

Mr. Vince Waggle
Environmental Engineer
Heritage Thermal Services, Inc.
1250 St. George St.
East Liverpool, OH 43920

Dear Mr. Waggle:

This Notice of Violation (NOV) is being sent in regard to the July 13, 2013, ash release from the hazardous waste incineration unit (N001) at the Heritage Thermal Services (HTS) facility in East Liverpool, Ohio.

HTS notified DAPC of the release the day of the event and has submitted information to DAPC and DMWM regarding certain specifics of the event and post event clean-up. HTS claims 761 pounds of ash was deposited in and around the surrounding neighborhood. DAPC has determined that the ash release caused a public nuisance in violation of Ohio Administrative Code (OAC) rule 3745-15-07.

Please submit, **within two weeks of receipt of this letter**, the methodology, assumptions and calculations HTS used in order to determine 761 pounds of ash were released and deposited off-site and all continuous emission monitoring system (CEMS) and continuous opacity monitoring system (COMS) data for the period of time during this event. Additionally, please submit a plan that outlines how HTS will ensure that an incident like this will not happen again; please include what parameters and values HTS will monitor to determine the amount of ash build-up in the combustion chambers.

The submission of the requested information does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in ORC 3704.06 or for USEPA to seek civil penalties pursuant to federal law. Ohio EPA will decide whether to pursue or decline to pursue penalties regarding this matter at a later date.

MR. VINCE WAGGLE
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Failure to respond to this notice in the time frame specified may result in further enforcement action. This letter does not excuse any violations of local, state, and federal laws regarding air pollution control. Should you have any questions regarding this notice, please feel free to contact me at (330) 963-1252 or via e-mail at erik.bewley@epa.ohio.gov.

Respectfully,



Erik M. Bewley
Environmental Specialist
Division of Air Pollution Control
Ohio Environmental Protection Agency

EMB:bo

ec: Tim Fischer, DAPC, NEDO
Bruce Weinberg, DAPC, CO
Brian Dickens, U.S. EPA – Region V
Ed Fasko, DAPC, NEDO
Jennifer Kurko, DO, NEDO
Michelle Tarka, DMWM, NEDO
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